

# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## North American Plant Breeders

Whereas, THERE HAS BEEN PRESENTED TO THE  
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (7 U.S.C. 2321 ET SEQ.)

ALFALFA

'Apollo II'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 27th day of May in the year of our Lord one thousand nine hundred and eighty-two.

Attest:

*Kenneth B. Evans*  
Acting  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*John R. Block*  
Secretary of Agriculture







# APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1. NAME OF APPLICANT(S) North American Plant Breeders		2. TEMPORARY DESIGNATION NAPB 109	3. VARIETY NAME Apollo II
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) North American Plant Breeders, 5201 Johnson Drive, P. O. Box 2955 Mission, Kansas 66201		5. PHONE (Include area code) (913) 384-4940	FOR OFFICIAL USE ONLY PVPO NUMBER <b>8200035</b>
6. GENUS AND SPECIES NAME Medicago sativa	7. FAMILY NAME (Botanical) <del>Leguminacea</del> <b>LEGUMINOSAE</b>		
8. KIND NAME Alfalfa	9. DATE OF DETERMINATION February 1980		FILING DATE 12/11/81 TIME 12:00 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation			FEES RECEIVED AMOUNT FOR FILING \$ 500.00 DATE 12/11/81 AMOUNT FOR CERTIFICATE \$ 250.00 DATE 3/16/82
11. IF INCORPORATED, GIVE STATE OF INCORPORATION Connecticut			12. DATE OF INCORPORATION
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS Mr. Giles Dixon, North American Plant Breeders, P. O. Box 2955, Mission, KS 66201 Dr. Jim B. Moutray, North American Plant Breeders, R. R. #3, Ames, Iowa 50010			

## 14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED

- a. ☒ Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- b. ☒ Exhibit B, Novelty Statement
- c. ☒ Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- d. ☐ Exhibit D, Additional Description of the Variety

15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act.) ☐ Yes (If "Yes," answer items 16 and 17 below) ☒ No

16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? ☒ Yes ☐ No

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? ☒ Foundation ☐ Registered ☒ Certified

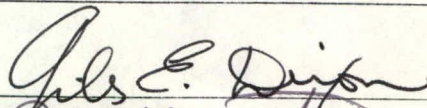
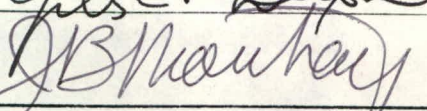
18. DID THE APPLICANT(S) FILE FOR PROTECTION OF THE VARIETY IN THE U.S. OR OTHER COUNTRIES? ☐ Yes (If "Yes," give names of countries and dates) ☒ No

19. HAVE RIGHTS BEEN GRANTED IN THE U.S. OR OTHER COUNTRIES? ☐ Yes (If "Yes," give names of countries and dates) ☒ No

20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT 	DATE 12-7-81
SIGNATURE OF APPLICANT 	DATE 11/17/81

8500032



15-2-81

*[Handwritten signature]*



## Exhibit A

## Origin and Breeding History of the Variety

## 'Apollo II'

Populations which had undergone previous selection for winterhardiness, resistance to Phytophthora root rot, anthracnose, bacterial wilt, Fusarium wilt and other agronomic characteristics at Ames, Iowa were subjected to two cycles of phenotypic recurrent selection in the field for Verticillium wilt resistance (one cycle each at Hermiston, Oregon and Nampa, Idaho). Three-thousand-twenty-six seedlings from the second cycle of selection were inoculated with Verticillium wilt and transplanted to an isolated field at Nampa, Idaho. Approximately 2170 plants survived and produced Syn 1 seed. Selections trace predominately to 'Apollo', 'Anchor', 'Trident', 'Answer', 'Atlas', and 'Olympic' with a number of other varieties making small contributions.

Breeder seed was produced on 2170 parent plants under field isolation near Nampa, Idaho.

During seed multiplication, no variants beyond the limits defined under Exhibit C have been found, and multiplication procedures will ensure that seed being sold as 'Apollo II' will not be shifted in characteristics beyond presently acceptable limits for alfalfa varieties.

It is also confirmed that 'Apollo II' meets presently acceptable levels of uniformity for alfalfa varieties.

8500032

U. S. DEPARTMENT

DEC 11 1961

RECEIVED



AMS, LPG&S DIV.  
EVPD



8200035

Exhibit B

Novelty Statement

'Apollo II'

'Apollo II' most closely resembles the variety 'Apollo'. 'Apollo II' differs from 'Apollo' by having resistance to Verticillium wilt while 'Apollo' is relatively susceptible (table 1).

8500032





## North American Plant Breeders

Hermiston, Oregon 1978

Table 1

Verticillium wilt resistance Apollo alfalfa

	<u>Percent Resistance</u>
Apollo	4.0
Vertus, resistant check	34.3
Cargo, susceptible check	3.0
L.S.D. .05	15.7
C.V. %	18.5

— not  
standards  
✓  
not  
STD scoring  
system

Scoring system used: Root soaked field  
transplanted spring nursery lifted and scored  
in fall, Resistant = plants with no leaf  
symptoms



3500032





VARIETY NAME	STEM LENGTH FREQUENCY DISTRIBUTION 2/											AVERAGE STEM LENGTH
	0 - 5 mm. %	6 - 10 mm. %	11 - 15 mm. %	16 - 20 mm. %	21 - 30 mm. %	31 - 40 mm. %	41 - 50 mm. %	51 - 60 mm. %	61 - 70 mm. %	71 - 80 mm. %	81 + mm. %	
FLOWER COLOR												
Critical individual plant data will come in 1982. Foundation field estimate is approximately 90% purple, 9% variegated and 1% yellow and cream combined. We are seeing more yellow and cream than in most of North American Plant Breeders varieties.												

## 11. FLOWER COLOR 3/ (DETERMINE COLOR ON FRESHLY OPENED FLOWERS)

% PURPLE
    % VARIEGATED
    % YELLOW
    % CREAM
    % WHITE

## 12. DISEASE, INSECT, AND NEMATODE RESISTANCE: (Enter resistance of submitted and check cultivars. Circle check cultivars used.)

DISEASE	CULTIVAR	% RESISTANT PLANTS	AVG. SEVERITY INDEX (ASI)	ASI LSD .05	TEST, YEAR & LOCATION 4/
BACTERIAL WILT	Apollo II (SUBMITTED)	33.4	43		1981,
	(RES. CK.) VERNAL	32.9	42		University of Minnesota
	(SUS. CK.) NARRAGANSETT	1.5	01		
ANTHRACNOSE	Apollo II (SUBMITTED)	23.8	23		1981,
	(RES. CK.) ARC	67.4	65		North American Plant Breeders,
	(SUS. CK.) SARANAC	0.7	01		Ames, Iowa
COMMON LEAF SPOT	(SUBMITTED)				
	(RES. CK.) RAMSEY				
	(SUS. CK.) RANGER				
DOWNY MILDEW	(SUBMITTED)				
	(RES. CK.) SARANAC				
	(SUS. CK.) KANZA				
PHYTOPHTHORA ROOT ROT	Apollo II (SUBMITTED)	47.7	54		1981,
	(RES. CK.) AGATE	38.0	43		University of Minnesota
	(SUS. CK.) SARANAC	1.4	01		8500032
Fusarium wilt OTHER	Apollo II (SUBMITTED)	53.6	48		1981,
	Moapa-69 (RES. CK.)	84.1	76		University of Minnesota
	MnGN-1 (SUS. CK.)	1.8	02		

1/ Preferred standards: Saranac, Vernal, Norseman, Lahontan, Mesa Sirsa. Twelve hours light at 25° C with 20,000 lux of cool white florescent; 2,000 lux of incandescent filament light and twelve hours darkness at 5° C.

2/ From cotyledonary node to tip of stem 20 days after planting.

3/ For further clarification consult USDA Agricultural Handbook No. 424.

4/ Give: The institution in charge of test, (2) year, and (3) location of test. Describe test procedure if it differs from procedure suggested in ARS-NC-19, September 1974.



OBJECTIVE DESCRIPTION OF VARIETY  
Alfalfa (*Medicago sativa* L. complex)

NAME OF APPLICANT(S) North American Plant Breeders	VARIETY NAME OR TEMPORARY DESIGNATION Apollo II
ADDRESS (Street and No., or R.F.D. No., City, State, and Zip Code) North American Plant Breeders, 5201 Johnson Drive, P. O. Box 2955, Mission, Kansas 66201	FOR OFFICIAL USE ONLY PVPO NUMBER 8200035

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
Place a zero in first box (e.g.  or ) when number is either 99 or less or 9 or less.

NOTE: For single plant data a minimum of 100 plants is suggested

1. PRIMARY AREA OF ADAPTATION		INDICATE AREA WHERE TEST WAS CONDUCTED. FURTHER EXPLANATION CAN GO IN COMMENTS AT THE END OF THE FORM.
<input type="text" value="2"/> 1 = NORTHWEST 4 = SOUTHEAST 7 = INTERMOUNTAIN	2 = NORTHCENTRAL 5 = SOUTHWEST 6 = SOUTHERN PLAINS	<input type="text" value="2"/> AREA TESTED
2. WINTER HARDINESS		
<input type="text" value="5"/> 1 = NON-HARDY (Mesa Sirsa) 5 = MODERATELY HARDY (Saranac) 9 = EXTREMELY HARDY (Norseman)	3 = INTERMEDIATE NON-HARDY 7 = HARDY (Vernal)	<input type="text" value="2"/> AREA TESTED
<input type="text" value="1"/> SOURCE OF INFORMATION: 1 = ANTICIPATED 2 = MEASURED		
3. FALL GROWTH HABIT		
<input type="text" value="5"/> 1 = ERECT (Mesa Sirsa) 5 = INTERMEDIATE (Saranac) 9 = DECUMBENT (Norseman)	3 = SEMIERECT (DuPuits) 7 = SEMIDECUMENT (Vernal)	<input type="text" value="2"/> AREA TESTED
4. RECOVERY AFTER FIRST SPRING CUTTING		
<input type="text" value="4"/> 1 = VERY FAST (Mesa Sirsa) 7 = SLOW (Vernal)	3 = FAST (Saranac) 9 = VERY SLOW (Norseman)	<input type="text" value="2"/> AREA TESTED
5. FLOWERING DATE (FIRST SPRING GROWTH)		
<input type="text" value=""/> <input type="text" value=""/> DAYS EARLIER THAN . . . . . <input type="text" value=""/> <input type="text" value=""/> DAYS LATER THAN . . . . .	<input type="text" value=""/> 1 = MESA SIRSA 3 = SARANAC 5 = NORSEMAN 2 = LAHONTAN 4 = VERNAL	<input type="text" value=""/> AREA TESTED
6. CROWN TYPE		
<input type="text" value="5"/> 1 = SPREADING ROOTS 5 = BROAD (Vernal) 9 = NARROW (Mesa Sirsa)	3 = SPREADING RHIZOMES (Teton) 7 = INTERMEDIATE (Saranac)	<input type="text" value="2"/> AREA TESTED
7. PLANT COLOR		
<input type="text" value="4"/> 3 = DARK GREEN (Weevilchek) 7 = LIGHT GREEN (Ranger)	5 = GREEN (Vernal)	<input type="text" value="2"/> AREA TESTED
8. HAIRINESS		
<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> % PLANTS WITH PUBESCENT STEMS	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> % PLANTS WITH PUBESCENT PODS	
9. POD SHAPE		
<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> % PLANTS WITH TIGHT COILS	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> % PLANTS WITH LOOSE COILS	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> % PLANTS WITH SICKLE PODS (Less than 1 coil)



## 12. DISEASE, INSECT, AND NEMATODE RESISTANCE: (Enter resistance of submitted and check cultivars. Circle check cultivars used.)

INSECT	CULTIVAR	% RESISTANT PLANTS	AVG. SEVERITY INDEX (ASI)	ASI LSD .05	TEST, YEAR & LOCATION 4/
OTHER	(SUBMITTED)				
	(RES. CK.)				
	(SUS. CK.)				
NEMATODE	CULTIVAR	% RESISTANT PLANTS	INDEX (ASI)	ASI LSD .05	TEST, YEAR & LOCATION 4/
STEM NEMATODE	Apollo II (SUBMITTED)	18.3	← Not std. ✓		1981, Prosser, Washington USDA, Dick Peaden "Other factors killed some plants reducing stands (especially on Apalachee) and lowered scores. Apollo II would rate at least as high!"
	Apalachee (RES. CK.) LAHONTAN	30.0			
	(SUS. CK.) RANGER	3.9			
NORTHERN ROOT KNOT NEMATODE	(SUBMITTED)				
	(RES. CK.) NEV. SYN. XX				
	(SUS. CK.) LAHONTAN				
SOUTHERN ROOT KNOT NEMATODE	(SUBMITTED)				
	(RES. CK.) MOAPA 69				
	(SUS. CK.) LAHONTAN				
OTHER	(SUBMITTED)				
	(RES. CK.)				
	(SUS. CK.)				

## 13. INDICATE A VARIETY THAT MOST CLOSELY RESEMBLES THE VARIETY SUBMITTED FOR THE FOLLOWING CHARACTERS:

CHARACTER	VARIETY	CHARACTER	VARIETY
AREA OF ADAPTATION	Apollo	PLANT HEIGHT	Apollo
RECOVERY AFTER CUTTING	Apollo	WINTER HARDINESS	Apollo

## REFERENCES

Barnes, D.K., and C.H. Hanson, An Illustrated Summary of Genetic Traits in Tetraploid and Diploid Alfalfa, ARS Technical Bul. 1370.  
 Barnes, D.K., et al, Standard Tests to Characterize Pest Resistance in Alfalfa Varieties. ARS-NC-19, September 1974.  
 Nittler, L.W., G.W. McKee, and J.L. Newcomer, Principles and Methods of Testing Alfalfa Seed for Varietal Purity. New York Agricultural Experiment Station Bul. 807.  
 USDA Agricultural Handbook No. 424.

## COMMENTS



## 12. DISEASE, INSECT, AND NEMATODE RESISTANCE: (Enter resistance of submitted and check cultivars. Circle check cultivars used.)

DISEASE	CULTIVAR	% RESISTANT PLANTS	AVG. SEVERITY INDEX (ASI)	ASI LSD .05	TEST, YEAR & LOCATION 4/
Verticillium wilt * OTHER	Apollo II (SUBMITTED)	27	<div style="background-color: yellow; padding: 5px;"> <i>✓ No + standard checks</i> </div>		1981, Prosser, Washington
	Vertus (RES. CK.)	<del>28</del> 38			USDA
	Washoe (SUS. CK.)	2			Dick Peaden
Verticillium wilt * OTHER	Apollo II (SUBMITTED)	28			1981,
	Maris Kabul (RES. CK.)	45			Lethbridge, Alberta,
	Vernal (SUS. CK.)	3			Mike Hanna
INSECT	CULTIVAR	% SEEDLING SURVIVAL	AVG. SEVERITY INDEX (ASI)	ASI LSD .05	TEST, YEAR & LOCATION 4/
PEA APHID	(SUBMITTED)				
	(RES. CK.) KANZA				
	(SUS. CK.) RANGER				
SPOTTED ALFALFA APHID	(SUBMITTED)				
	(RES. CK.) KANZA				
	(SUS. CK.) RANGER				
INSECT	CULTIVAR	% DEFOLIATION	AVG. SEVERITY INDEX (ASI)	ASI LSD .05	TEST, YEAR & LOCATION 4/
ALFALFA WEEVIL	(SUBMITTED)				
	(RES. CK.) ARK				
	(SUS. CK.) VERNAL				
INSECT	CULTIVAR	% RESISTANT PLANTS	EMERGED ADULTS PER PLANT	EMERGED LSD .05	TEST, YEAR & LOCATION 4/
ALFALFA SEED CHALCID	(SUBMITTED)				
	(RES. CK.) LAHONTAN				
	(SUS. CK.) SONORA				
INSECT	CULTIVAR	% RESISTANT PLANTS	AVG. SEVERITY INDEX (ASI)	ASI LSD .05	TEST, YEAR & LOCATION 4/
POTATO LEAF-HOPPER	(SUBMITTED)				
	(RES. CK.)				
	(SUS. CK.)				
OTHER	(SUBMITTED)				
	(RES. CK.)				
	(SUS. CK.)				

4/ Give: The institution in charge of test, (2) year, and (3) location of test. Describe test procedure if it differs from procedure suggested in ARS-NC-19, September 1974.

\* Root soak technique with field transplanting in spring, plants lifted and scored in Sept. (same procedure as ARS-NC-19 description for bacterial wilt). Resistance = plants showing no definite leaf symptoms.



BILL OF SALE AND ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS that AGRIPRO BIOSCIENCES INC., a Delaware corporation (hereinafter referred to as "Seller"), pursuant to that certain Asset Purchase Agreement of even date herewith by and between Seller and AGR ACQUISITION CORPORATION, a Delaware corporation (hereinafter referred to as "Buyer") and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, assign, convey and deliver unto Buyer, all of Seller's right, title and interest in and to the plant varieties owned/registered by Seller and more particularly set forth on Exhibit A attached hereto for which PVP Certificates have been issued by or may be pending before the U. S. Department of Agriculture.

TO HAVE AND TO HOLD UNTO PURCHASER, its successors and assigns forever.

IN WITNESS WHEREOF, Seller has executed this Bill of Sale and Assignment as of the 30th day of June, 1994.

AGRIPRO BIOSCIENCES INC.

BY: W.A. Zama  
Title: President

STATE OF KANSAS, COUNTY OF JOHNSON

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared W.A. ZAMA with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the PRESIDENT of Agripro Biosciences Inc., the within named bargainer, a corporation, and that he as such PRESIDENT, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as PRESIDENT.

WITNESS my hand and Notarial Seal at office the day and year above written.

Alma M. Weaver  
Notary Public

My Commission Expires:

June 22, 1998

ALMA M. WEAVER  
NOTARY PUBLIC  
STATE OF KANSAS

My Appt. Exp. June 22, 1998





Office of the Secretary of State

---

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AGR ACQUISITION CORPORATION", CHANGING ITS NAME FROM "AGR ACQUISITION CORPORATION" TO "AGRIPRO SEEDS, INC.", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF JUNE, A.D. 1994, AT 4:30 O'CLOCK P.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



*Edward J. Freel*

---

SECRETARY OF STATE  
AUTHENTICATION:

7169071

DATE:

07-01-94

2394087 8100

944121584







06/30/84 14:25 913 384 0208

ABI SHAWNEE MSN

002/002

CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
AGR ACQUISITION CORPORATION

AGR Acquisition Corporation, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: that the Board of Directors of said corporation, by the unanimous written consent of its members filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Certificate of Incorporation of this corporation be amended by changing the Article thereof numbered "ARTICLE I" so that, as amended, said Article shall be and read as follows:

"ARTICLE I

Name

The name of the corporation (hereinafter called the 'Corporation') is Agripro Seeds, Inc."

SECOND: That in lieu of a meeting and vote of stockholders, the sole shareholder of the corporation has given unanimous written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the General Corporation Law of the State of Delaware.

FOURTH: That the capital of said corporation shall not be reduced under or by reason of said amendment.

IN WITNESS WHEREOF, said AGR Acquisition Corporation has caused this certificate to be signed by Gary T. Hancock, its President, and attested by Ann Steelman, its Secretary, this 30<sup>th</sup> day of June, 1994.

AGR ACQUISITION CORPORATION

BY: Gary T. Hancock  
Gary T. Hancock, President

ATTEST:

BY: Ann Steelman  
Ann Steelman, Secretary









UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION  
NATIONAL AGRICULTURAL LIBRARY BUILDING  
BELTSVILLE, MARYLAND 20705

August 11, 1982

Subject: Seed Sample of Protected Variety  
Certificate No. 8200035  
Kind and Variety - Alfalfa, 'Apollo II'  
Breeder - North American Plant Breeders

To: National Seed Storage Laboratory  
Fort Collins, CO 80521

Attached is the above-identified sample and an Objective Description of Variety form in accordance with our Memorandum of Understanding and as agreed upon during my visit with Dr. Louis Bass on June 12, 1972.

One copy of this duplicate form showing the result of your germination test on 100 seeds of pure seed of this sample should be returned to this Office. Return of the duplicate form will serve as acknowledgement of receipt of the sample.

Germination:

98 %

Date: 10/82

Sincerely,

Bernard M. Leese  
Commissioner  
Plant Variety Protection Office

Attachment

In duplicate

OK 80%  
1/17/83

MS-1022

169591





## LAW OFFICES

## BURCH, PORTER &amp; JOHNSON

130 NORTH COURT AVENUE

MEMPHIS, TENNESSEE 38103

TELEPHONE 901-523-2311

TELECOPIER 901-523-7140

July 25, 1994

CHAS. N. BURCH 1868-1938  
H. D. MINOR 1868-1947  
CLINTON H. MCKAY 1889-1943  
JESSE E. JOHNSON, JR. 1913-1980  
JOHN S. PORTER 1909-1990

MORGAN KEEGAN OFFICE  
50 NORTH FRONT STREET  
SUITE 650  
MEMPHIS, TENNESSEE 38103  
TELEPHONE 901-527-2311  
TELECOPIER 901-527-4199

LUCIUS E. BURCH, JR.  
W. J. MICHAEL CODY  
JOEL PORTER  
CHARLES F. NEWMAN  
C. THOMAS CATES  
JOE M. DUNCAN  
JOHN A. STEHMLER  
J. BROOKE LATHRAM  
JEF FEIBELMAN  
DEWITT M. SHY, JR.  
R. MICHAEL POTTER  
JOHN W. CHANDLER, JR.  
DAVID J. HARRIS  
WARNER B. RODDA  
DAVID H. LILLARD, JR.  
HOLLY K. LILLARD  
SAM L. CRAIN, JR.  
NATHAN A. BICKS

STEPHEN D. CRAWLEY  
LAUREL C. WILLIAMS

LISA A. KRUPICKA  
LEEANNE MARSHALL COX  
RICHARD R. SPORE, III  
BETH WEEMS BRADLEY  
KATHRYN E. STORY  
LES JONES  
MELISSA A. MARAVICH  
RICKY E. WILKINS  
TODD A. ROSE  
REVA M. KRIEGL  
SUSAN CLARK TAYLOR  
DOUGLAS F. HALIJAN  
JOHN W. CAMPBELL  
R. PORTER FEILD

Ms. Ann Zempolich  
Plant Variety Protection Office  
U. S. Department of Agriculture  
500 NAL Building  
10301 Baltimore Boulevard  
Beltsville, MD 20705

Re: Agripro Biosciences Inc. Sale of PVPs to AGR Acquisition Corporation (which has changed its name to Agripro Seeds, Inc.)

Dear Ms. Zempolich:

I am enclosing herewith the Bill of Sale and Assignment wherein Agripro Biosciences Inc. has sold and assigned all of its right, title and interest in and to the PVPs listed on the attachment to the Bill of Sale to AGR Acquisition Corporation and hereby request that your records be changed to show the new owner as Agripro Seeds, Inc., the new name of AGR Acquisition Corporation. It is our understanding that the attachment was generated by someone in your office and forwarded to Agripro Biosciences Inc. at its request, and was subsequently forwarded to our office as attorneys for the purchaser in connection with the sale transaction.

As I indicated to you in our several previous telephone conversations, AGR Acquisition Corporation changed its corporate name to Agripro Seeds, Inc. the same date as the closing of the sale. I am enclosing herewith a copy of the Certificate of Amendment filed by the Delaware Secretary of State wherein the corporate name is changed.

If I counted correctly, there are 149 PVP certificates listed on the attachment to the Bill of Sale and Assignment. I am enclosing a check in the amount of \$3,725.00 payable to United States Treasury in payment of the \$25.00 per certificate fee to change the owner's name on your records.

THIS DOCUMENT HAS A COLORED BACKGROUND — NOT A WHITE BACKGROUND

THIS DOCUMENT HAS A COLORED BACKGROUND



HELENA CHEMICAL COMPANY  
Suite 3200 — Clark Tower  
5100 Poplar Avenue  
Memphis, Tennessee 38137

DATE

CHECK NUMBER

7-8-94

22406

PROTECTION  
AMOUNTEXACTLY **PAY 3725000**

PAY THIS AMOUNT

\$3,725.00

United States Treasury

PAY TO THE  
ORDER OF

HELENA CHEMICAL COMPANY

by

AUTHORIZED SIGNATURES

